

REMARKS

The drawings for the application have been objected to under 37 CFR §1.83(a). It is noted that several of the features specified in the claims must be shown in the drawings. In regard to the “distal edge” set forth in claims 4, 7 and 9, it is respectfully submitted that the claim limitations should have been directed to the “distal end” which is identified in the drawings as number 206. Accordingly, claims 4, 7 and 9 have been amended, and withdrawal of this aspect of the objection is respectfully requested.

The limitation directed to a suppression sleeve “curved inwardly to form a sleeve opening” is identified in the specification as numeral 210, but not shown in the figures. Accordingly, Applicants respectfully request acceptance of a replacement sheet for Fig. 1 which shows the identifying numeral 210 and which finds basis in the specification at least at page 4, lines 31-32.

It has also been noted that the limitation “peripheral exhaust ports” must be shown or the features cancelled from the claims. Although no existence of peripheral exhaust ports can be found in any of the originally-filed claims, it is noted that such a feature is shown in Fig. 5 but not positively identified. Accordingly, Applicants respectfully request acceptance of a replacement sheet for Fig. 5 which shows identifying numeral 311, which is found in the specification at least at page 5, lines 10-18.

Applicants also respectfully request amendment to the specification at page 4, lines 19-25 wherein a typographical error is noted. It is requested that the numeral 304 be deleted and substituted with numeral 404.

Based upon the foregoing comments and amendments, Applicants respectfully request withdrawal of the objection to the drawings.

Claims 16-23 have been cancelled; however the Applicants reserve the right to file a continuation application for the subject claims.

Claims 1-9 have been rejected as being unpatentable over the patent to Wentz, U.S. Patent No. 5,567,127 in view of the patent to Morimoto et al., U.S. Patent No. 5,219,648. The remaining claims have also been rejected as being unpatentable over the aforementioned references and in further view of the patent to Finkenbinder et al., U.S. Patent No. 6,703,754; and U.S. Patent Publication No. 2004/0165986 to Parker et al. It is noted that the Office Action asserts that Wentz teaches that the motor leads contact the foam

encapsulation layer. Skilled artisans will appreciate that the aforementioned motor leads are insulated wires. In other words, the insulated motor leads are already provided with a heat and flame resistant coating that electrically insulates the wire conductor.

Upon consideration of the cited references, the pending application and the Examiner's comments, the Applicants respectfully request entry of an amendment to claim 1 to further set forth that the motor assembly comprises at least an electric motor and windings. Basis for this can be found in the specification at at least page 3, lines 6-8. And the claim also sets forth a low noise air moving motor assembly which includes a self-extinguishing flame and noise suppression sleeve at least partially disposed around the motor assembly wherein the sleeve is in touching contact with at least one of the electric motor and windings. Such a feature allows for ease of assembly inasmuch as the finished product does not require additional structural components or temperature sensors to prevent flame ignition of the sleeve.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Last, the prior art reference (or references, when combined) must teach or suggest all the claim limitations. Moreover, the teaching or suggestion to make the claimed combination and the reasonable expectations of success must both be found in the prior art, and not based on the Applicant's disclosure. *In re Vaeck*, 947 F2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

In regard to establishing a *prima facie* case of obviousness, the initial burden is on the Examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliably suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985).

It is respectfully submitted that the proffered combination of Wentz and Morimoto does not teach all of the elements of the claimed invention and, specifically, the limitation

regarding the sleeve being in touching contact with at least one of the electric motor and windings. As noted in the background art and in the teachings of the Wentz reference, a noise absorption sleeve is always placed in a spaced apart relation with respect to the heat generating elements in order to avoid thermally degrading the sleeve. It is submitted that the insulated motor leads inserted through the foam layers 50 and 52 of Wentz are not heat generating elements, nor are the insulated motor leads part of the motor assembly as defined in the present claim. Indeed, the heat generating elements -- the motor laminations and windings -- of Wentz are purposefully kept from the sleeve. It is also noted that the spaced-apart relationship or openings are required to ensure proper air flow through the motor assembly. Indeed, at column 5, lines 61-66 of Wentz, it is stated that the air flow is desired so as to allow for the heat generated by the motor to be included in the air flow. It is respectfully submitted that such a feature teaches away from the limitation of a sleeve contacting at least one of the electric motor and windings. Contact between the sleeve and at least one of the electric motor and windings would impede air flow and the sleeve would potentially act as a heat sink, thus reducing the temperature of air and defeating the purpose of the teachings of Wentz. In contrast, by using a self-extinguishing flame and noise suppression sleeve that is in touching contact with at least one of the electric motor and windings, sufficient air flow and noise suppression can be obtained without the adjacent sleeve igniting. Therefore, it is respectfully submitted that a *prima facie* case of obviousness cannot be made since all of the limitations of claim 1 are not taught or suggested by the references made of record. Nor is there any suggestion in the proffered references to permit the sleeve to contact at least one of the electric motor and windings. With it being the position of the Applicants that claim 1 is allowable, it is submitted that all claims depending therefrom are likewise allowable.

Examination and allowance of new claim 24 is also respectfully requested. None of the references made of record teach or suggest a sleeve in touching contact with one of the electric motor and winding and which is provided without a sensor to maintain the motor at a limited temperature. Basis for this amendment can be found in the specification at least at page 4, lines 13-15. As alluded to in Wentz at column 7, lines 6-10, one item typically required to meet safety guidelines is a temperature sensor to stop the motor in the event excessive temperatures are detected. This is done to prevent burning of flammable

materials associated with the motor. But as noted in the present application, use of the self-extinguishing flame material precludes the need for such a temperature sensor.

In view of the foregoing amendments and arguments presented herein, the Applicants believe that they have properly set forth the invention and accordingly, respectfully request the Examiner reconsider and withdraw the rejections provided in the last Office Action. A formal Notice of Allowance of claims 1-5, 7-15 and 24 is earnestly solicited. Should the Examiner care to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

In the event that a fee required for the filing of this document is missing or insufficient, the undersigned attorney hereby authorizes the Commissioner to charge payment of any fees associated with this communication or to credit any overpayment to Deposit Account No. 18-0987. If a withdrawal is required from Deposit Account No. 18-0987, the undersigned Attorney respectfully requests that the Commissioner of Patents and Trademarks cite Attorney Docket Number **4570.94** for billing purposes.

Respectfully submitted,



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